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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/811,138	03/29/2004	Sylvia Daunert	50229-421

MCDERMOTT, WILL & EMERY  
 600 13th Street, N.W.  
 Washington, DC 20005-3096

CONFIRMATION NO. 8471

## FORMALITIES LETTER



\*OC000000012905737\*

Date Mailed: 06/09/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 385 to complete the basic filing fee for a small entity.*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawings contain excessive text. Suitable descriptive legends may be used, or may be required by the Examiner where necessary for understanding of the drawing but should contain as few words as possible ( see 37 CFR 1.84(o)). See Figure(s) 1,7,15.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after

09/10/2004 AADOF01 00000031 500417 10811138

01 FC:2001 385.00 DA  
 02 FC:2201 602.00 DA  
 04 FC:2203 145.00 DA  
 05 FC:2051 65.00 DA  
 02 FC 2201 602.00 DA  
 03 FC 2203 441.00 DA

September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)**

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- **Additional claim fees of \$1188 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.**

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$1638** for a Small Entity

- **\$385** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.
- **Total additional claim fee(s) for this application is \$1188**
  - **\$602** for **14** independent claims over 3.
  - **\$441** for **49** total claims over 20.
  - **\$145** for multiple dependent claim surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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***A copy of this notice MUST be returned with the reply.***

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Docket No.: 50229-421



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	:	Customer Number: 20277
Sylvia DAUNERT, et al.	:	Confirmation Number: 8471
Serial No.: 10/811,138	:	Group Art Unit: 1645
Filed: March 29, 2004	:	Examiner:
For: AEQUORIN AND OBELIN MUTANTS WITH DIFFERING WAVELENGTHS AND BIOLUMINESCENCE	:	

**RESPONSE TO NOTICE  
OF MISSING PARTS OF APPLICATION**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Missing Parts of Application dated June 9, 2004, submitted herewith are the following documents for filing in the above-referenced application:

1. Declaration and Power of Attorney (which is in compliance with 37 CFR 1.63)
2. Statutory Basic filing fee of \$385.00
3. Late Filing Fee Surcharge of \$65.00
4. Additional Claims Fee of \$1,188.00
5. Formal Drawings (14 sheets)
6. Sequence Listing & Disk
7. Petition of Extension Time Fee of \$ 55.00
8. Assignment and Recordation fee of \$40.00 (on Separate Postcard)

**\*Applicant is entitled to Small Entity Status\***

Serial No.: 10/811,138

Please charge Deposit Account No. 500417 in the amount of \$1,678.00. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. 1.136.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

It is requested that the official filing receipt now be issued.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP



Thomas A. Haag, Ph.D., Esq.  
Registration No. 47,621

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
202.756.8000 TAH:blg  
Facsimile: 202.756.8087  
**Date: September 9, 2004**

Docket No.: 50229-421



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Sylvia DAUNERT, et al.	:	Confirmation Number: 8471
Serial No.: 10/811,138	:	Group Art Unit: 1645
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**TRANSMITTAL OF FORMAL DRAWINGS**

Mail Stop Formal Drawings  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith are 14 sheets of formal drawings in connection with the above referenced application.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read "T. Haag".

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Facsimile: 202.756.8087  
**Date: September 9, 2004**